

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

Defendants.

**DECLARATION OF
CHRISTOPHER D. PHAM IN
SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

I, Christopher D. Pham, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and ACE American Insurance Company (collectively, “Federal”) in this case.

2. Attached as **Exhibit 1** is a copy of Fair Isaac Corporation’s Fourth Set of Requests for Production of Documents dated December 28, 2018.

3. On November 21, 2019, FICO and Federal had a meet and confer to discuss productions related to the rule files during which FICO, for the very first time, requested Federal to approve a FICO technician having access to Confidential – Attorneys’ Eyes Only information so that the technician could assist FICO’s counsel with uploading the rules. Federal declined FICO’s request based on confidentiality concerns.

4. Attached as **Exhibit 2** is a copy of email correspondence dated January 16, 2020 from Fair Isaac Corporation’s counsel providing written notice of intent to provide

documents designated Confidential and Confidential – Attorneys’ Eyes Only to its consulting expert, Brian Sacco. Mr. Sacco had not been previously identified in discovery in this case.

5. Attached as **Exhibit 3** is a copy of Federal’s written objection to the disclosure to Mr. Sacco dated January 23, 2020.

6. Following Federal’s objection, the parties’ counsel scheduled a meet and confer for January 30, 2020. During the meet and confer, FICO’s counsel did not provide further explanation regarding the purpose of the disclosures to Mr. Sacco except to explain that he was retained as a non-testifying, consulting expert by FICO. Federal’s counsel asked whether FICO would be willing to allow a Federal representative or Federal’s counsel to be present when Mr. Sacco viewed the confidential rules information. FICO refused.

7. Attached as **Exhibit 4** is an email notifying FICO of Federal’s intent to file for a protective order.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: February 14, 2020

s/ Christopher D. Pham

Christopher D. Pham